

LAW AND ORDER CODE OF 1940

[NOTE: The Law and Order Code of 1940 was enacted on January 6, 1940 and approved by the Secretary of the Interior on May 15, 1940. Section 112 b.(1) of the Law and Order Code, enacted on December 5, 1974 by Ordinance No. 26, repealed all provisions of the 1940 Law and Order Code except Sections 1 through 11 and Sections 20 and 21 of Chapter 3. Sections 1 through 11 of Chapter 3 were repealed on February 15, 1975 by Ordinance No. 26C.]

CHAPTER 3 - DOMESTIC RELATIONS

Section 20 - Determination of Heirs

Property of members of the Colorado River Tribes, other than allotted land, if not disposed of by will shall be inherited according to the following rules:

1. The just debts and funeral expenses of the deceased shall be paid before the heirs take any money.
2. If the deceased leaves a surviving spouse, all the property shall go to the surviving spouse, who shall make such disposition as seems proper.
3. If the deceased leaves children but no spouse, all the property shall go to them.
4. If the deceased leaves no spouse nor descendants, all the property shall go to his or her parents, if either or both are alive.
5. In any other case, the nearest relatives shall inherit in accordance with the State inheritance laws. Where there is more than one heir, all the heirs shall meet and agree among themselves upon the division of property. If no agreement can be reached among all of the interested parties, any party may, upon depositing a fee of \$5.00 in the Tribal Court, require the Court to pass on the distribution of the estate. Where the interested parties agree among themselves on the disposition of the estate, they shall file a report of such distribution with the Tribal Court.

Section 21 - Approval of Wills

When any member of the Tribe dies leaving a will disposing only of property other than an allotment or other trust property subject to the jurisdiction of the United States, the Court shall, at the request of any members of the Tribe named in the will, or any other interested party, determine the validity of the will after giving notice and full opportunity to appear in court to all persons who might be heirs of the decedent. A will shall be deemed to be valid if the decedent had a sane mind and understood what he was doing when he made the will and was not subjected to the undue influence of another person, and if the will was made in writing and signed by the decedent in the presence of two witnesses who also signed the will. If the Court determines the will to be validly executed it shall order the property described in the will to be given to the persons named in the will, or to their heirs if they are dead.

ACT OF MARCH 3, 1865

[Note: The Act of March 3, 1865 was published at Ch. 127, 13 Stat. 541, 559.]

An Act making Appropriations for the current and contingent Expenses of the Indian Department, and for fulfilling Treaty Stipulations with various Indian Tribes for the Year ending thirtieth June, eighteen hundred and sixty-six, and for other Purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

All that part of the public domain in the Territory of Arizona, lying west of a direct line from Half-Way Bend to Corner Rock on the Colorado River, containg about seventy-five thousand acres of land, shall be set apart for an Indian reservation for the Indians of said river and its tributaries.

APPROVED, March 3, 1865.

ACT OF APRIL 30, 1964

[NOTE: The Act of April 30, 1964 was enacted as Public Law 88-304 and published at 78 Stat. 188.]

AN ACT

To fix the beneficial ownership of the Colorado River Reservation located in the States of Arizona and California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of fixing the beneficial ownership of real property interests in the Colorado River Reservation now occupied by the Colorado River Indian Tribes, its members and certain Indian colonists, all right, title, and interest of the United States in the unallotted lands of the Colorado River Indian Reservation, including water rights and mineral rights therein, together with all improvements located thereon and appurtenant thereto, except improvements placed on the land by assignees or by Indian colonists, and except improvements furnished by the United States for administrative purposes (including irrigation facilities or for the housing of Federal employees, are hereby declared to be tribal property held in trust by the United States for the use and benefit of the Colorado River Indian Tribes of the Colorado River Reservation.

Section 2. For the purpose of this Act:

(a) "Tribes" means the Colorado River Indian Tribes of the Colorado River Reservation, with a constitution adopted pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461 et seq.), as said constitution now exists or may hereafter be amended, consisting of a band of the Mohave Indians, the band of Chemehuevi Indians affiliated therewith, and various Indians heretofore or hereafter adopted by the Colorado River Indian Tribes.

(b) "Colorado River Reservation" means the reservation for Indian use established by the Act of March 3, 1865 (13 Stat. 559), as modified and further defined by Executive orders of November 22, 1873, November 16, 1874, May 15, 1876, and November 22, 1915, all of which area shall be deemed to constitute said reservation.

Section 3. Any person of Indian blood, his spouse of Indian blood (excluding persons whose Indian blood is traceable solely to Indian tribes, bands, or groups not resident in or subject to the jurisdiction of the United States), and any dependent child of either or both of them, who is not a member of the tribes on the date of this Act, and who had settled on irrigated lands of the Colorado River Reservation through application for a settler's land permit and who is still holding such lands by virtue of the authority of a temporary land use permit issued by or under the authority of the tribes of the Federal Government, shall be deemed to be adopted by the tribes if within two years from this date of this Act he files with the tribal council a statement accepting membership in the tribes and renouncing membership in any other tribe, band or roup. Such statement may be filed on behalf of a dependent child by either parent or by a person standing in loco parentis.

Section 4. This Act shall become effective upon the agreement of the tribes to abandon the claims now pending in docket numbered 185 and in docket numbered 283A before the Indian Claims Commission under the Act of August 13, 1946 (60 Stat. 1049), and the dismissal of said claims by the Indian Claims Commission. Nothing in this Act shall affect or be taken into consideration in the adjudication of, or with respect to, any other claims now pending by the tribes against the United States.

APPENDIX

Section 5. The Act of June 11, 1960 (74 Stat. 199), as amended by the Act of September 5, 1962 (70 Stat. 428), is amended to read as follows: "The Secretary of the Interior is authorized to approve leases of lands on the Colorado River Indian Reservation, Arizona and California, for such uses and terms as are authorized by the Act of May 11, 1938 (52 Stat. 347; 25 U.S.C. 396a et seq.), and the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415 et seq.), including the same uses and terms as are permitted thereby on the Agua Caliente (Palm Springs), Dania, Navajo and Southern Ute Reservations: Provided, however, that the authorization herein granted to the Secretary of the Interior shall not extend to any lands lying west of the present course of the Colorado River and south of section 25 township 2 south, range 23 east, San Bernardino base and meridian in California, and shall not be construed to affect the resolution of any controversy over the location of the boundary of the Colorado River Reservation: Provided further, That any of the described lands in California shall be subject to the provisions of this Act when and if determined to be within the reservation."

Approved April 30, 1964.

+++

CONSTITUTION AND BY-LAWS OF
THE COLORADO RIVER INDIAN TRIBES
OF THE COLORADO RIVER
RESERVATION

Approved August 13, 1937

PREAMBLE

We, the members of the Colorado River Indian Tribes of the Colorado River Reservation, in order to establish a legal tribal organization and secure certain privileges and powers offered to us by the Indian Reorganization Act, to establish justice, promote the general welfare, safeguard our interests, encourage educational progress, conserve and develop our lands and resources, and to secure the blessings of freedom and liberty for ourselves and our posterity do ordain and establish this Constitution and By-laws for the Colorado River Indian Tribes of the Colorado River Reservation.

ARTICLE I - TERRITORY

The jurisdiction of the Colorado River Indian Tribes shall include all the territory within the original confines of the Colorado River Indian Reservation boundaries as established and approved by the Act of March 3, 1865, in Arizona and California, and to such other lands as have been or may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II - MEMBERSHIP

Section 1. The membership of the Colorado River Indian Tribes shall consist as follows:

(a) All persons of Indian blood whose names appear on the official census roll of the Colorado River Indian Reservation as of January 1, 1937.

(b) Every child born to any member of the Colorado River Indian Tribes provided such member is a resident of the reservation at the time of birth of said child.

(c) Every child of one-half or more Indian blood born to any non-resident member of the Tribe.

Section 2. The Tribal Council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership and the adoption of new members, making any necessary adjustments of property rights.

ARTICLE III - GOVERNING BODY

Section 1. The governing body of the Colorado River Indian Tribes shall be known as the Colorado River Tribal Council.

Section 2. The Tribal Council shall consist of nine councilmen elected by ballot.

Section 3. The Tribal Council shall elect from within its own number (a) a Chairman and (b) a Vice-Chairman, and from within or without its own member (c) a Secretary, (d) a Treasurer, and such other officers and committees as may be deemed necessary.

APPENDIX

Section 4. Councilmen shall serve as members of the Council for a term of four years from the date of installation in office or until their successors shall have been regularly elected and certified, except as provided in Section 5 of this Article.

Section 5. The five members receiving the highest number of votes at the first election shall hold office until their successors are elected in December, 1940, and the four remaining members shall hold office until their successors are elected in December, 1938. Each councilman subsequently elected shall serve for a term of four years.

Section 6. Thereafter, elections shall be held for each alternate year, on the first Saturday in December.

ARTICLE IV - ELECTIONS AND NOMINATIONS

Section 1. All members of the Tribe who are twenty-one years of age and over and who have maintained a legal residence for a period of one year on the reservation prior to any election shall have the right to vote.

Section 2. Within thirty days after the ratification and approval of this Constitution and By-laws an election shall be conducted by the present Tribal Council for the purpose of electing the members of the Council.

Section 3. Elected tribal councilmen shall take office within fifteen days after the general election.

Section 4. Any member of the tribe whose name is presented at least fifteen days before the election to the Secretary or to the Chairman, or in his absence to the Vice-Chairman of the Council, by petition signed by at least ten adult members of the tribe shall be declared by the Council to be regularly nominated and to be a candidate for the office indicated in such petition. It shall be the duty of the Secretary to post the names of all qualified candidates in a public place at least ten days prior to the election.

Section 5. The Tribal Council or a board appointed by the Council, shall determine rules and regulations governing elections, and shall certify to the election of the members of the Council within one day after the election returns.

ARTICLE V - VACANCIES AND REMOVAL FROM OFFICE

Section 1. If a member of the Council or any official shall die, resign, permanently leave the reservation or shall be found guilty of a felony or a misdemeanor involving dishonesty in any Indian State, or Federal Court, the Council shall declare the position vacant and elect to fill the unexpired term.

Section 2. The Council may by an affirmative vote of two-thirds of its members expel any member for neglect of duty or gross misconduct, provided that the accused member shall be given full and fair opportunity to reply to any and all charges at a designated Council meeting, and provided further, that the accused member shall have been given a written notice of the charges against him at least five days before the meeting at which he is to appear.

Section 3. Upon a petition of at least one-third (1/3) of the eligible voters of the Colorado River Indian Tribes, it shall be the duty of the Tribal Council to call a special election for the recall of any member or members of the Council named in such petition. In the event that a majority of these voting in such election approve a council member's recall from office, the office shall be declared vacant and the Tribal Council shall proceed in the usual manner to hold an election to fill the said office.

ARTICLE VI - POWERS OF THE COUNCIL

Section 1. Enumerated Powers. The Tribal Council of the Colorado River Indian Tribes shall exercise the following powers subject to any limitations imposed by the Statutes of the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this Constitution and By-laws.

(a) To negotiate with the Federal, State and local governments, on behalf of the Tribe and to advise and consult with representatives of the Interior Department on all activities of the Department that may affect the Colorado River Indian Tribes.

(b) To employ legal counsel for the protection and advancement of the rights of the Colorado River Indian Tribes and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve, or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other official or agency of government, provided that no tribal lands shall ever be encumbered, or sold, or leased for a period exceeding five years, except that leases for mining purposes may be made for such longer periods as may be authorized by law.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Colorado River Indian Tribes prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To make assignments of tribal land to members of the Colorado River Indian Tribes in conformity with Article VIII of this Constitution.

(f) To manage all economic affairs and enterprises of the Colorado River Indian Tribes in accordance with the terms of a charter which may be issued to the Tribe by the Secretary of the Interior.

APPENDIX

(g) To create and maintain a Tribal Council Fund by accepting grants or donations from any person, State, or the United States, or by community enterprises, or by levying assessments of not less than ten cents nor more than one dollar per year per capita on the qualified voters of the tribe; and to require the performance of community labor in lieu thereof, or by levying taxes and license fees, subject to review by the Secretary of the Interior, upon non-members doing business within the reservation.

(h) To administer any funds for property within the control of the Tribe; to make expenditures from available funds for tribal purposes, including salaries or remuneration of tribal officials or employees, such salaries or remuneration to be paid only for services authorized in a regular and legal manner and actually rendered. All expenditures from the Tribal Council Fund shall be by the resolution duly approved by a majority of the Council and the amounts so expended shall be a matter of public record at all times.

(i) To require individual members of the Tribe, or other Indian residents on the reservation to assist with community labor when just cause or extreme emergency arises.

(j) To promulgate ordinances providing for the removal or exclusion from the reservation of any non-members whose presence may be injurious to the members of the Tribe, but this power shall not extend to the removal or exclusion of government officials, or other persons occupying reservation lands under lawful authority, and in all cases this power may be exercised only with the approval of the Secretary of the Interior.

(k) to promulgate ordinances for the safeguarding of the peace and safety of the residents of the reservation, including the establishment of courts for the adjudication of claims or disputes arising among members of the Tribe, and for the trial and penalizing of members of the Tribe charged with the commission of offenses set forth in such ordinances.

(l) To regulate domestic relations of tribal members through appropriate ordinances and to secure the enforcement thereof.

(m) To regulate inheritance of property, real and personal, except allotted lands within the reservation, subject to review by the Secretary of the Interior.

(n) To provide for the appointment of guardians for minors and mental incompetents by ordinances or resolutions, subject to the approval of the Secretary of the Interior.

(o) To make rules and regulations for the conduct of all elections provided for under this Constitution.

(p) To adopt resolutions regulating the procedure of the Council itself and of other tribal agencies and tribal officials within its jurisdiction.

(q) To charter subordinate organizations for economic purposes and regulate the activities of all cooperative associations of members of the Colorado River Indian Tribes by ordinances, providing that any such ordinance shall be subject to review by the Secretary of the Interior.

(r) To encourage and preserve the arts, crafts, culture, and traditions of the Colorado River Indian Tribes.

1937 CONSTITUTION AND BYLAWS

(s) To delegate to subordinate boards or officials or to cooperative associations, open to all members of the Colorado River Indian Tribes, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

Section 2. Future Powers. The Tribal Council of the Colorado River Indian Tribes may exercise such further powers as may in the future be delegated to the Council by members of the Tribe or by the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal Government.

Section 3. Reserved Powers. Any rights and powers heretofore vested in the Colorado River Indian Tribes of the Colorado River Reservation, but not expressly referred to in this Constitution shall not be abridged by this Article, but may be exercised by the people of the Colorado River Indian Tribes through the adoption of appropriate by-laws and constitutional amendments.

Section 4. Manner by Review. Any resolution or ordinance which, by the terms of this Constitution, is subject to review by the Secretary of the Interior, shall be presented to the superintendent of the reservation, who shall, within ten days thereafter, approve or disapprove the same.

If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety (90) days from the date of enactment rescind the said ordinance or resolution for any cause, by notifying the Tribal Council, of such decision.

If the superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days after its enactment, he shall advise the Tribal Council of his reasons therefor. If these reasons appear to the Tribal Council insufficient, it may, by a majority vote refer the ordinance or resolution to the Secretary of the Interior, who may within ninety (90) days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VII - POPULAR PARTICIPATION IN GOVERNMENT

Section 1. All regular meetings of the Tribal Council shall be open to members of the Tribe, but visitors may speak only with the consent of the Chairman.

Section 2. All resolutions and ordinances of the Tribal Council shall be in writing and posted in public places for the information of the members of the Tribe.

ARTICLE VIII - LAND

Section 1. Allotted Lands. Allotted lands, including heirship lands within the Colorado River Reservation, shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings or other public improvements, upon payment of adequate compensation, by any agency of the State of Arizona or California, or the Federal Government, or by the Tribe itself. It is further recognized that under existing law, such lands may be inherited by the heirs of the present owner, whether or not they are members of the Tribe. Likewise, it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in the

Constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior voluntarily convey his land to the Colorado River Indian Tribes either in exchange for a money payment or in exchange for the assignment of covering the same land or other land, as hereinafter provided.

Section 2. Tribal Lands. The unallotted lands of the Colorado River Reservation, and all lands which may hereafter be acquired by the Colorado River Indian Tribes or by the United States in trust for the Tribe, shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians, but may be assigned to members of the Colorado River Indian Tribes, or leased, or otherwise used by the Tribe as hereinafter provided.

Section 3. Leasing of Tribal Lands. Tribal lands may be leased by the Council with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

(a) In the leasing of tribal lands, preference shall be given, first, to Indian cooperative associations, and secondly, to individual Indians who are members of the Tribe.

(b) No lease of tribal lands to a non-member should be made by the Tribal Council unless it shall appear that no Indian cooperative association or individual member of the Tribe is able and willing to use the land and to pay a reasonable fee for such use.

Section 4. Grant of Standard Assignments. In any assignment of tribal lands which are now owned by the Tribe or which hereafter may be acquired for the Tribe by the United States or purchased by the Tribe out of tribal funds, preference shall be given, first to heads of families which have no allotted lands or interests in allotted lands.

No allotted members of the Colorado River Indian Tribes, who may hereafter have the restrictions upon his land removed, and whose land may thereafter be alienated, shall be entitled to receive an assignment of land as a landless Indian.

The Council, if it sees fit, may charge a fee of not to exceed \$5.00 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purchase of establishing homes for landless Indians, and shall be known as "standard" assignments.

Section 5. Tenure of Standard Assignments. If any member of the Tribe who holds a standard assignment of land shall, for a period of two (2) years, fail to use the land so assigned or use such land for any lawful purposes, his assignment may be cancelled by the Council after due notice and an opportunity to be heard, and the said land may be assigned in accordance with the provisions of Section 4 of this Article.

Upon the death of any Indian holding a standard assignment, his heirs or other individuals identified by him, by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Colorado River Indian Tribes who would be eligible to receive a standard assignment.

Section 6. Grant of Exchange Assignments. Any member of the Tribe who owns any restricted or unrestricted land or any interest therein may with the approval of the Secretary of the Interior voluntarily transfer his interest in such land to the Tribe in exchange for an assignment to the same or other land of equal value. If the assignee

1937 CONSTITUTION AND BYLAWS

prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as "exchange" assignments.

Section 7. Leasing of Exchange Assignments. Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the Tribe, or if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians, in the same manner as allotted lands.

Section 8. Inheritance of Exchange Assignments. Upon the death of the holder of any exchange assignment, such land shall be reassigned by the Council to his heirs or devisees, subject to the following conditions.

(a) Such lands may not be reassigned to any heirs or devisees who are not members of the Tribe, except that a life assignment may be made to the surviving widower or widow of the holder of an assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than an economic unit of grazing land or other land or interest in land of equal value, to be determined from time to time by the Council.

(c) Such lands may not be subdivided among heirs to devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than 160 acres, and no area of agricultural land shall be subdivided into units smaller than two and one-half (2 1/2) acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Council shall issue to such heirs or devisees, interests in tribal land or property of the same value as the assignment of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of Section 4 of this Article.

Section 9. Inheritance of Improvements. Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Tribe or otherwise disposed of under such regulations as the Council shall provide. No permanent improvements shall be removed from the land without the consent of the Council.

Section 10. Exchange of Assignments. Assignments may be exchanged between members of the Colorado River Indian Tribes by common consent in such manner as the Council shall designate.

Section 11. Use of Unassigned Tribal Land. Tribal land which is not leased or assigned, including tribal timber reserves, shall be managed by the Tribal Council for the benefit of the members of the entire tribe, and any cash income derived from such land shall accrue to the benefit of the Tribe as a whole. All action of the Tribal Council with respect to such lands shall be in conformity with Departmental regulations for protection of Indian range and timber resources authorized by Section 6 of the Act of June 18, 1934.

Section 12. Purchase of Land by Tribe. Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land, under the following conditions:

APPENDIX

(a) Land within the Colorado River Reservation or adjacent to the boundaries thereof which is not now in Indian ownership may be purchased by or for the Colorado River Indian Tribes.

(b) Restricted Land, which is in heirship status at the time of the adoption and approval of this Constitution, may be purchased by or for the Tribe, with the consent of all the adult heirs, and the legal guardians of minor heirs, payment therefor to be made as may be agreed upon.

(c) Land owned by any member of the Tribe who is over the age of sixty (60) years, or who is physically incapacitated, may be transferred by its owner to the Tribe in exchange for a pension of not more than twice the annual rental value of the land for the life of the pensioner, to be paid out of available funds of the Tribe.

(d) Land owned by any member of the Tribe in excess of 80 acres of agricultural land or a proportionate area of other land may be purchased by the Tribe, with the consent of the owner, payments to be made under such terms as may be agreed upon.

(e) Land owned by any member of the Tribe who desires to leave the reservation permanently, may be purchased by the Tribe, under such terms as may be agreed upon.

Section 13. Method of Making Assignments. Applications for assignments shall be filed with the Secretary of the Council, and shall be in writing, setting forth the name of the person or persons applying for the land, and as accurate a description of the land desired as the circumstances will permit. Notices of applications received by the Secretary shall be posted by him in the agency office and in at least three other conspicuous places on the reservation for not less than twenty (20) days before action is taken by the Council. Any member of the Tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the Secretary of the Council, and may if he so desires, appear before the Council to present evidence. The Secretary of the Council shall furnish the superintendent or other officers in charge of the agency, a complete record of all action taken by the Council on applications for assignments of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the Tribe.

The Council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE IX - REFERENDUM

Section 1. Upon a petition of at least one third (1/3) of the eligible voters of the Colorado River Indian Tribes, or upon the request of a majority of the members of the Tribal Council any enacted or proposed ordinance or resolution shall be submitted to popular referendum and the vote of a majority of the qualified voters in such referendum shall be conclusive and binding on the Council, provided that at least 30 per cent of the eligible voters shall vote in such election.

ARTICLE - AMENDMENTS

Amendments to the Constitution and By-laws may be ratified and approved in the same manner as this Constitution and By-laws.

Whenever the Tribal Council shall, by a vote of six or more members, call for the submission of an amendment, the Secretary of the Interior shall call an election upon the proposed amendment. If at such election the amendment is adopted by a majority vote of

1937 CONSTITUTION AND BYLAWS

the qualified voters of the Tribe voting therein and if at least thirty per cent of those entitled to vote, vote in such election, such amendment shall be submitted to the Secretary of the Interior and if approved by him, shall thereupon take effect.

BY-LAWS OF THE COLORADO RIVER INDIAN TRIBES

ARTICLE I - THE TRIBAL COUNCIL

Section 1. The Chairman of the Council shall preside over all meetings of the Council, perform all duties of the chairman and exercise any authority detailed to him by the Council.

Section 2. The Vice-Chairman shall assist the Chairman when called on to do so, and in the absence of the Chairman shall preside, and when so presiding shall have all the privileges, duties, and responsibilities of the Chairman.

Section 3. The Secretary shall forward a copy of the minutes of all meetings to the Superintendent of the Colorado River Indian Agency, and shall perform other such duties as may be required of the office.

Section 4. The Treasurer of the Tribal Council shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Council, whether same be tribal funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all funds in such bank or elsewhere as directed by the Council and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody, such report being made in writing to the Council at regular meetings and at such other times as requested by the Council.

(a) He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the Tribal Council, except when properly authorized to do so by resolution duly passed by the Council.

(b) The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Council and at such other times as the Council or the Commissioner of Indian Affairs may direct.

(c) The Treasurer shall be required to give a bond satisfactory to the Council, and to the Commissioner of Indian Affairs, except that until he has been bonded, the Council may make such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

ARTICLE II - QUALIFICATIONS FOR OFFICERS

Any person to be elected as a councilman or officer must be a member of the Colorado River Indian Tribes, a resident of the Colorado River Reservation, and over twenty-five years of age at the time of his or her election. The Tribal Council shall be the sole judge of the qualifications of its own members.

ARTICLE III - INSTALLATION OF COUNCILMEN

Newly elected members of the Council who have been duly certified shall be installed at the first regular meeting of the Tribal Council following the election upon subscribing to the following oath:

APPENDIX

"I, _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially, the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of my tribe, in accordance with the Constitution and By-laws of the Colorado River Indian Tribes."

ARTICLE IV - CONDUCT OR ELECTIONS AND CERTIFICATION

Section 1. It shall be the duty of the Council to see that each nomination for tribal office, including membership in the Council, shall be made in strict accord with the provisions of the Constitution, and to certify as to the legality of such nomination; otherwise, it shall be considered illegal and ineffective by the Council.

Section 2. The Council shall meet the first Saturday of each month at 9 o'clock in the morning at some designated place where the official records will be kept.

Section 3. Special meetings of the Council shall be held at such times as are designated by the Chairman who shall notify members at least twenty-four hours before the date of such meeting.

Section 4. At any special meeting of the Tribal Council two-thirds of the Council members shall constitute a quorum and without such a quorum the Chairman shall adjourn the meeting.

Section 5. Special meetings of the Council shall be held upon written request of three members of the Council or by petition signed by one-third of the legal voters of the Tribe, such written request to be filed with the Chairman or Secretary of the Council who shall notify the Council members twenty-four hours before the date of such Council meeting.

Section 6. The order of business at any regular or special meeting of the Tribal Council shall be as follows:

- (a) Call to order by the Chairman.
- (b) Role Call.
- (c) Reading of minutes of last meeting.
- (d) Unfinished Business.
- (e) Reports.
- (f) New Business.
- (g) Adjournment.

Section 7. The Tribal Council may prescribe such salaries and expenses for officers or members of the Council as it deems advisable, from such funds as may be available.

ARTICLE V - PUBLIC WELFARE

Section 1. Community Welfare.

(a) The Council shall determine in careful manner what constitutes just cause for aid or assistance to the indigent members of the Tribe, and shall make proper provision for recommendation to proper agencies or individuals needing relief.

(b) The Council shall designate persons who shall administer tribal welfare work among the Colorado River Indian Tribes and the solicitation and expenditure of welfare

1937 CONSTITUTION AND BYLAWS

funds shall be conducted in a systematic manner so that the right to do so may not be abused. The Council thereby shall render assistance or aid to the aged, the physically handicapped, and all others in actual need of assistance.

(c) The Council shall at all times endeavor to eliminate the causes for indigency, exercising wise and judicious supervision and management of tribal affairs and so far as possible of the finances of individual members of the Colorado River Indian Tribes, to the end that need, privation, and financial distress may be entirely eliminated among the members of the Tribe.

Section 2. Education.

(a) The Council shall pass necessary ordinances to promote and increase learning and education among the members of the Tribe, studying present school system, and recommending plans for improving them to the proper Bureaus or Departments.

(b) The Council shall enter into negotiations with non-reservation schools and procure for the members of the Tribe the highest type of educational facilities, to the end that younger members of the Tribe shall have every possible economic, social, and cultural advantage.

(c) The Council shall encourage and promote among the members by every practical means a proper system of education for members of all ages in such subjects as home economics, hygiene, child care and training, agronomy, farm mechanics, etc., cooperating with state and federal departments, and agencies which seek to promote such work.

ARTICLE VI - LOANS

The Tribal Council shall act upon all applications for loans under the revolving fund or reimbursable regulations for the purchase of property, stock or equipment, or loans to Indians, for the payment of tuition for higher education or trade schools.

ARTICLE VII - TRIBAL CLAIMS

The Tribal Council shall make a thorough survey, research, investigation and study of the history and title of all lands which were tribal in character in times past and shall endeavor to establish the tribal equity, if any, in such lands so as to obtain through proper channels just compensation for such lands as it shall find to have been unlawfully removed from the jurisdiction of the Tribe without compensation.

ARTICLE VIII - PROPERTY REGULATIONS

Section 1. It shall be the duty of the Council to pass rules and regulations to prevent unauthorized prospecting and mining on any land of the reservation and to see that such rules and regulations are properly enforced.

Section 2. It shall be the duty of the Council to pass ordinances for the control of fishing and hunting upon the reservation, such ordinances not to be in conflict with any of the Federal Game Laws.

Section 3. It shall be the duty of the Council to prevent the relinquishment of any water rights of the Indians of this reservation.

ARTICLE IX - ORDINANCES AND RESOLUTIONS

APPENDIX

Section 1. All final decisions of the Council on matters of general and permanent interest to the members of the Tribe shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the Tribe.

Section 2. All final decisions of the Council on matters of temporary interest (such as action on the tribal budget for a single year, or petitions to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoptions of members, instructions for reservation employees or rules of order for the Council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

Section 3. All questions of procedure (such as acceptance of Committee reports or invitations to outsiders to speak) shall be decided by motion of the Council or by the ruling of the Chairman if no objection is heard. In all ordinances, resolutions, or motions the Council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

Section 4. Every ordinance shall begin with the words: "Be it enacted by the Tribal Council of the Colorado River Indian Tribes." Every resolution shall begin with the words: "Be it resolved by the Tribal Council of the Colorado River Indian Tribes."

ARTICLE X - ADOPTION

This Constitution and By-laws when ratified by a majority vote of the qualified voters of the Colorado River Indian Tribes of the Colorado River Reservation voting at an election called for the purpose by the Secretary of the Interior, provided at least thirty (30) per cent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

I, Charles West, the Acting Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Colorado River Indian Tribes of the Colorado River Reservation, Arizona and California.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and by-laws are hereby declared inapplicable to the Colorado River Indian Tribes of the Colorado River Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended: August 3, 1937.

John Collier, Commission of Indian Affairs.

Charles West,
Acting Secretary of the Interior
(Seal)

Washington, D. C., August 13, 1937.

CERTIFICATION OF ADOPTION

1937 CONSTITUTION AND BYLAWS

Pursuant to an order, approved July 9, 1937 by the Acting Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the members of the Colorado River Indian Tribes of the Colorado River Reservation, Arizona and California, and was on July 17, 1937, duly ratified by a vote of 141 for and 34 against, in an election in which over 39 per cent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

Wendell Goodman,
Chairman of Election Board.
Henry Welsh,
Secretary of Election Board.

C. H. Gensler,
Superintendent in Charge

EXECUTIVE ORDERS RELATING TO THE
COLORADO RIVER INDIAN RESERVATION

[Note: The Executive Orders of November 22, 1873, November 16, 1874 and May 15, 1876 were published in C. Kappler, Indian Affairs: Laws and Treaties, Volume I at pages 803-804. The Executive Order of November 22, 1915 was published in the same work in Volume IV at page 1001.]

EXECUTIVE ORDER OF NOVEMBER 22, 1873

EXECUTIVE MANSION, November 22, 1873.

It is hereby ordered that the following described tract of country in the Territory of Arizona be withdrawn from sale and added to the reservation set apart for the Indians of the Colorado River and its tributaries by act of Congress, approved March 3, 1865 (U.S. Stat. at Large, vol. 13, p. 559), viz: All that section of bottom-land adjoining the Colorado Reserve, and extending from that reserve on the north side to within 6 miles of Ehrenberg on the south, bounded on the west by the Colorado River, and east by mountains and mesas.

U. S. GRANT

EXECUTIVE ORDER OF NOVEMBER 16, 1874

EXECUTIVE MANSION, November 16, 1874

It is hereby ordered that a tract of country embraced within the following described boundaries, which covers and adds to the present reservation, as set apart by act of Congress approved March 3, 1865 (Stat. at Large, vol. 13, p. 559), and enlarged by Executive order dated November 22, 1873, viz;

Beginning at a point where the La Paz Arroyo enters the Colorado River, 4 miles above Ehrenberg; thence easterly with said Arroyo to a point south of the crest of La Paz Mountain; thence with said crest of mountain in a northerly direction to the top of Black Mountain, thence to a northwesterly direction across the Colorado River to the top of Monument Peak, in the State of California; thence southwesterly in a straight line to the top of Riverside Mountain, California; thence in a southeasterly direction to the point of beginning, be, and the same is hereby, withdrawn from sale and set apart as the Reservation for the Indians of the Colorado River and its tributaries.

U. S. GRANT

EXECUTIVE ORDER OF MAY 15, 1876

EXECUTIVE MANSION, May 15, 1876

Whereas an Executive order was issued November 16, 1874, defining the limits of the Colorado River Indian Reservation, which purported to cover, but did not, all the lands theretofore set apart by act of Congress approved March 3, 1865, and Executive order dated November 22, 1873, and whereas the order of November 16, 1874, did not revoke the order of November 22, 1873, it is hereby ordered that all lands withdrawn from sale by either of these orders are still set apart for Indian purposes; and the following are hereby declared to be the boundaries of the Colorado River Indian Reservation in Arizona and California, viz;

Beginning at a point where La Paz Arroyo enters the Colorado River and 4 miles above Ehrenberg; thence easterly with said Arroyo to a point south of the crest of La Paz Mountain; thence with said mountain crest in a northerly direction to the top of Black Mountain; thence in a northwesterly direction of the Colorado River to the top of Monument Peak, in the State of California; thence southwesterly in a straight line to the top of Riverside Mountain, California, thence in a direct line toward the place of beginning to the west bank of the Colorado River; thence down said west bank to a point opposite the place of beginning; thence to the place of beginning.

U. S. Grant

EXECUTIVE ORDER OF NOVEMBER 22, 1915

Whereas Executive orders dated November 16, 1874, and May 15, 1876, defined the southern boundary of the Colorado River Indian Reservation, in the State of Arizona, to be--

"Beginning at a point where the La Paz Arroyo enters the Colorado River, 4 miles above Ehrenberg; thence easterly with said arroyo to a point south of the crest of La Paz Mountain;"

And whereas a survey of said southern boundary line made in 1876 erroneously located said southern boundary line by accepting an arroyo other than the Arroyo La Paz for said boundary line, which fact has been established to the satisfaction of the Interior Department by full investigations and hearings held for that purpose;

Now, therefore, in order to correct the error in locating said southern boundary line and in order to conform such line to the public system of surveys recently extended over these lands, it is hereby ordered that such southern boundary line of the Colorado River Indian Reservation shall be a line commencing at a point on the left bank of the Colorado River marked by an iron post 3 inches in diameter stamped C. R. I. R. on brass cap thereof as established by the United States surveyor in 1912; thence easterly along the line of iron posts established by said surveyor to the corner of townships 3 and 4 north, ranges 21 and 22 west, G. & S. R. M.; thence north along the range line to the established corner of sections 13, 18, 19, and 24, township 4 north, ranges 21 and 22 west; thence easterly along the established section lines to the closing corner of sections 18 and 19, township 4 north, range 20 west, recorded by said United States surveyor as located north 6 degrees, 36 minutes east, 66.17 chains from an iron post

EXECUTIVE ORDERS

marked C. R. I. R. on brass cap thereof, established on the highest point of La Paz Mountain.

WOODROW WILSON

THE WHITE HOUSE, 22 November, 1915

ORDINANCE NO. 15A

[NOTE: Ordinance No. 15A was enacted on January 31, 1977.]

ORDINANCE AMENDING ORDINANCE ESTABLISHING
THE HOUSING AUTHORITY
(Amendatory Ordinance)

This Council of the Colorado River Indian Tribes on the 4th day of May, 1943, adopted an Ordinance No. 15 which established the Colorado River Indian Housing Authority. That Ordinance, and any amendments to it if there be any, are hereinafter called the "Original Ordinance." The Council now finds that it is in the best interest of the Tribes and the Housing Authority to amend the Original Ordinance (hereinafter called "Amendatory Ordinance") in order to qualify for additional financial assistance from the Federal Government, acting by and through the Department of Housing and Urban Development. These requirements have been published as Part 805 of the Federal Register, Vol. 41, No. 47, dated March 9, 1976.

The Council hereby determines that all actions taken by the Housing Authority are not to be invalidated by the adoption of this Amendatory Ordinance and that this Amendatory Ordinance shall be controlling as to all future actions, rights and obligations of the housing Authority beginning with the effective hour and date specified below.

The Council hereby determines that it is necessary to provide for the orderly transition of the Housing Authority's operations under the Original Ordinance to this Amendatory Ordinance in order that there be continuous uninterrupted authority for the actions of the Housing Authority. Therefore, this Ordinance is an emergency measure which is to become effective as of 12:01 a.m. on the 31st day of January, 1977, and that all actions after that designated time shall be taken in accordance with, and pursuant to, the authority of the Amendatory Ordinance. The Tribal Ordinance establishing the Colorado River Indian Housing Authority is amended to read as follows:

TRIBAL ORDINANCE

Pursuant to the authority vested in the Colorado River Indian Tribes by its Constitution, and particularly by Article VI, Sections 1(a)(q)(v) thereof, and its authority to provide for the health, safety, morals and welfare, the Council of the Colorado River Indian Tribes hereby establishes a public body known as the Colorado River Indian Housing Authority (hereinafter referred to as the Authority and enacts its ordinance which shall establish the purposes, powers and duties of the Authority.

In any suit, action or proceeding involving the validity or enforcement of or relating to any of its contracts, the Authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of this ordinance. A copy of the Ordinance duly certified by the Secretary of the Council shall be admissible in evidence in any suit, action or proceeding.

ARTICLE I

DECLARATION OF NEED

It is hereby declared:

1. That there exists within the area of the jurisdiction of this Council insanitary, unsafe and overcrowded dwelling accommodations; that there is a shortage of decent, safe and sanitary dwelling accommodations available at rents or prices which

APPENDIX

persons of low income can afford; and that such shortage forces such persons to occupy insanitary, unsafe and overcrowded dwelling accommodations;

2. That these conditions cause an increase in and spread of disease and crime and constitute a menace to health, safety, morals and welfare; and that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety protection, fire and accident prevention, and other public services and facilities;

3. That the shortage of decent, safe and sanitary dwellings for persons of low income cannot be relieved through the operation of private enterprise;

4. That the providing of decent, safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which money may be spent and private property acquired and are governmental functions of concern to this Council;

5. That residential construction activity and a supply of acceptable housing are important factors to general economic activity, and that the undertakings authorized by this ordinance to aid the production of better housing and more desirable neighborhood and community development at lower costs will make possible a more stable and larger volume of residential construction and housing supply which will assist materially in achieving full employment; and

6. That the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

ARTICLE II

PURPOSES

The Authority shall be organized and operated for the purposes of:

1. Remedying unsafe and insanitary housing conditions that are injurious to the public health, safety and morals;

2. Alleviating the acute shortage of decent, safe and sanitary dwellings for persons of low income; and

3. Providing employment opportunities through the construction, reconstruction, improvement extension, alteration or repair and operation of low income dwellings.

ARTICLE III

DEFINITIONS

The following terms, wherever used or referred to in this ordinance, shall have the following respective meanings, unless a different meaning clearly appears from the context:

"Area of Operation" means all areas within the jurisdiction of this Council.

"Board" means the Board of Commissioners of the Authority.

"Council" means the Colorado River Indian Tribal Council.

ODRDINANCE NO. 15A

"Federal Government" includes the United States of America, the Department of Housing and Urban Development, or any other agency or instrumentality, corporate or otherwise, of the United States of America.

"Homebuyer" means a person(s) who has executed a lease-purchase agreement with the Authority and who has not yet achieved home ownership.

"Housing project" or "Project" means any work or undertaking to provide or assist in providing (by any suitable method, including but not limited to: rental; sale or individual units in single or multifamily structures under conventional condominium, or cooperative sales contracts or lease-purchase agreements, loans, or subsidizing of rentals or charges) decent, safe and sanitary dwellings, apartments, or other living accommodations for persons of low income. Such work or undertaking may include buildings, equipment, facilities, land, and leaseholds, subject to such restrictions and conditions governing the trust status of such properties, for necessary, convenient, or desirable appurtenances, for streets, sewers, water service, utilities, parks, site preparation or landscaping, and for administrative, community, health, recreational, welfare, or other purposes. The term "housing project" or "project" also may be applied to the planning of the buildings and improvements, the acquisition of property or any interest therein, the demolition of existing structures, and construction, reconstruction, rehabilitation, alteration or repair of the improvements or other property and all other work in connection therewith.

"Obligations" means any notes, bonds, interim certificates, debentures, or other forms of obligation issued by the Authority pursuant to this ordinance.

"Obligee" includes any holder of an obligation, agent or trustee for any holder of an obligation, or lessor demising to the Authority property and in connection with a project, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal government when it is a party to any contract with the Authority in respect to a housing project.

"Persons of low income" means persons or families who cannot afford to pay enough to cause private enterprise in their locality to build an adequate supply of decent, safe, and sanitary dwellings for their use.

ARTICLE IV

BOARD OF COMMISSIONERS

1(a)(1) The affairs of the Authority shall be managed by a Board of Commissioners composed of five persons.

(2) The Board members shall be appointed, and may be reappointed, by the Council. A certificate of the Secretary of the Council as to the appointment or reappointment of any commissioner shall be conclusive evidence of the due and proper appointment of the commissioner.

(3) A commissioner may be a member or non-member of the Tribes, but no member of the Tribal Council shall be appointed as a commissioner.

(4) With the exception of Tribal Council members, no person shall be barred from serving on the Board because he is a tenant or homebuyer in a housing project of the Authority; and such commissioner shall be entitled to fully participate in all meetings concerning matters that affect all of the tenants or homebuyers, even though such matters affect him as well. However, no such commissioner shall be entitled or permitted to

APPENDIX

participate in or be present at any meeting (except in his capacity as a tenant or homebuyer), or to be counted or treated as a member of the Board, concerning any matter involving his individual rights, obligations or status as a tenant or homebuyer.

(b) The term of office shall be four years and staggered. When the Board is first established, one member's term shall be designated to expire in one year, another to expire in two years, a third to expire in three years, and the last two in four years. Thereafter all appointments shall be for four years, except that in the case of a prior vacancy, an appointment shall be only for the length of the unexpired term. Each member of the Board shall hold office until his successor has been appointed and has qualified.

(c) The Council shall name one of the Commissioners as Chairman of the Board. The Board shall elect from among its members a Vice-Chairman, a Secretary, and a Treasurer, and any member may hold two of these positions. In the absence of the Chairman, the Vice-Chairman shall preside; and in the absence of both the Chairman and Vice-Chairman shall preside; and in the absence of both the Chairman and Vice-Chairman, the Secretary shall preside.

(d) A member of the Board may be removed by the Tribal Council for Cause, but only after a hearing before the Council and only after the member has been given a written notice of the specific charges against him at least 10 days prior to the hearing. At any such hearing, the member shall have the opportunity to be heard in person or by counsel and to present witnesses in his behalf. In the event of removal of any Board member, a record of the proceedings, together with the charges and findings thereon, shall be filed with the Council and a copy thereof sent to the appropriate office of the Department of Housing and Urban Development.

(e) The Commissioners shall receive compensation for their services in accordance with expenditures authorized by the duly approved Tribal Council budget. The Council may authorize additional expenditures from Tribal funds at its discretion.

(f) A majority of the full Board (i.e., notwithstanding the existence of any vacancies) shall constitute a quorum for the transaction of business, but no Board action shall be taken by a vote of less than a majority of such full Board.

(g) The Secretary shall be responsible for seeing that complete and accurate records are kept of all meetings and actions taken by the Board and that monthly reports are made to the Council and to the Board.

(h) The Treasurer shall be responsible for seeing that full and accurate financial records are kept and that monthly reports are made to the Board and to the Council, and submit a complete annual report, in written form, to the Council as required by Article VII, Section 1, of this ordinance.

2. Meetings of the Board shall be held at regular intervals as provided in the Bylaws. Emergency meetings may be held upon 24 hours actual notice and business transacted, provided that not less than a majority of the full Board concurs in the proposed action.

ARTICLE V

POWERS

1. The Authority shall have perpetual succession in its corporate name.

ORDINANCE NO. 15A

2. The Council hereby gives the irrevocable consent to allowing the Authority to sue and be sued in its corporate name, upon any contract, claim or obligation arising out of its activities under its corporate name, upon any contract, claim or obligation arising out of its activities under this ordinance and hereby authorizes the Authority to agree by contract to waive any immunity from suit which it might otherwise have; but the Tribes shall in no event be liable for the debts or obligations of the Authority, nor be deemed to have waived its immunity from suit in any manner whatsoever as a result of enactment of this ordinance or as the result of any act or failure to act of the Authority.

3. The Authority shall have the following powers which it may exercise consistent with the purposes for which it is established:

(a) To adopt and use a corporate seal;

(b) To enter into agreements, contracts and understandings with any governmental agency, Federal, state or local (including the Council) or with any person, partnership, corporation or Indian tribe; and to agree to those conditions attached to Federal financial assistance, which are not inconsistent with Tribal policies.

(c) To agree to any conditions attached to Federal financial assistance which are not inconsistent with Tribal policies relating to the determination of prevailing salaries or wages or compliance with labor standards, in the development or operation of projects; and the Authority may include in any contract let in connection with a project stipulations requiring that the contractor and any subcontractors comply with such requirements as to minimum salaries or wages and maximum hours of labor, and comply with any such conditions which the Federal government may have attached to its financial aid to the project, which are not inconsistent with Tribal policies, as aforesaid.

(d) To agree in any contract with the Federal government for annual contributions to the Authority, to transfer to the Federal government the right of operation of the project to which such contract relates, upon the occurrence of a substantial default (as defined in such contract) with respect to the covenants or conditions to which the Authority is subject; and such contract may further provide that in case of such transference, the Federal government may operate or otherwise deal with the project and funds in accordance with the terms of such contract; provided, that the contract requires that, as soon as practicable after the Federal government is satisfied that all defaults with respect to the project have been cured and that the project will thereafter be operated in accordance with the terms of the contract, the Federal government shall retransfer to the Authority the project as then constituted.

(e) Subject to prior Council approval and upon such terms and conditions as may be imposed by the Council, to lease property from the Tribes and others and to hold and manage or to sublease the same.

(f) To borrow or lend money, to issue temporary or long-term evidence of indebtedness, and to repay the same. Obligations shall be issued and repaid in accordance with the provisions of Article VI of this ordinance.

(g) Subject to prior Council approval and upon such terms and conditions as may be imposed by the Council, to pledge the assets and receipts of the authority as security for debts, and to acquire, sell, lease, exchange, transfer or assign personal property or interests therein.

APPENDIX

(h) Subject to prior Council approval and upon such terms and conditions as may be imposed by the Council, to purchase or lease non-Tribal land or interests therein or take the same by gift.

(i) To undertake and carry out studies and analysis of housing needs, to prepare housing plans, to execute the same pursuant to this ordinance, to operate projects and to provide for the construction, reconstruction, improvements, extension, alteration or repair of any project or any part thereof.

(j) With respect to any dwellings, accommodations, buildings, or facilities embraced within any project (including individual cooperative or condominium units): to lease or rent, sell, enter into lease-purchase agreements or leases with option to purchase; to establish and revise rents or required monthly payments; to make rules and regulations concerning the selection of tenants or homebuyers, including the establishment of priorities, and concerning the occupancy, rental, care and management of housing units; and to make such further rules and regulations as the Board may deem necessary and desirable to effectuate the powers granted by this ordinance, provide that nothing contained in this ordinance shall be deemed a Tribal authorization or consent to convey, alienate, encumber, or affect in any manner whatsoever the trust or restricted status of Tribal or allotted lands or property, and any action taken by the Authority inconsistent with said trust or restricted status or inconsistent with Tribal policy in relation thereto shall be null and void and of no effect.

(k) To finance purchase of a home by an eligible homebuyer in accordance with regulations and requirements of the Department of Housing and Urban Development.

(l) To terminate any lease or rental agreement or lease-purchase agreement when the tenant or homebuyer has violated the terms of such agreement, or failed to meet any of its obligations thereunder, or when such termination is otherwise authorized under the provisions of such agreement; and to bring action for eviction against such tenant or homebuyer. The Authority is authorized and directed to bring an action for eviction against such tenant or homebuyer in the Colorado River Tribal Court under the above circumstances.

(m) To establish income limits for admission that insure that dwelling accommodations in a housing project shall be made available only to persons of low income.

(n) To purchase insurance from any stock or mutual company for any property and against any risks of hazards.

(o) To prudently invest such funds as are not required for immediate disbursement.

(p) To establish and maintain such bank accounts as may be necessary or convenient.

(q) To employ an executive director, technical and maintenance personnel and such other officers and employees, permanent or temporary, as the Authority may require; and to delegate such officers and employees such powers or duties as the Board shall deem proper.

(r) To take such further actions as are commonly engaged in by public bodies of this character as the Board may deem necessary and desirable to effectuate the purposes of the Authority.

ORDINANCE NO. 15A

(s) To adopt such bylaws as the Board deems necessary and appropriate.

4. No ordinance or other enactment of the Tribes with respect to the acquisition, operation, or disposition of Tribal property shall be applicable to the Authority in its operations pursuant to this ordinance, unless the Council shall specifically so state.

ARTICLE VI

OBLIGATIONS

1. The Authority may issue obligations from time-to-time in its discretion for any of its purposes and may also issue refunding obligations for the purpose of paying or retiring obligations previously issued by it. The Authority may issue such types of obligations as it may determine, including obligations on which the principal and interest are payable: (a) exclusively from the income and revenues of the project finances with the proceeds of such obligations, or with such income or revenues together with a grant from the Federal government in aid of such project; (b) exclusively from the income and revenues of certain designated projects whether or not they were finances in whole or in part with the proceeds of such obligations; or (c) from its revenues generally. Any of such obligations may be additionally secured by a pledge of any revenues of any project or other property of the Authority, pursuant to Article V, Section 3(g).

2. Neither the commissioners of the Authority nor any person executing the obligations shall be liable personally on the obligations by reason of issuance thereof.

3. The notes and all other obligations of the Authority shall not be a debt of the Tribes and the notes and all obligations shall so state on their face.

4. Obligations of the Authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and together with interest thereon and income therefrom, shall be exempt from taxes imposed by the Tribes. The tax exemption provisions of this ordinance shall be considered part of the security for the repayment of obligations and shall constitute, by virtue of this ordinance and without necessity of being restated in the obligations, a contract between (a) the Authority and the Tribes, and (b) the holders of obligations and each of them, including all transferees of the obligations from time-to-time.

5. Obligations shall be issued and sold in the following manner:

(a) Obligations of the Authority shall be authorized by a resolution adopted by the vote of a majority of the full Board and may be issued in one or more series.

(b) The obligations shall bear such dates, mature at such times, bear interest at such rates, be in such denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment and at such places, and be subject to such terms of redemption, with or without premium, as such resolution may provide.

(c) The obligations may be sold at public or private sale at not less than par.

APPENDIX

(d) In case any of the commissioners of the Authority whose signatures appear on any obligations cease to be commissioners before the delivery of such obligations, the signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if the commissioners had remained in office until delivery.

6. Obligations of the Authority shall be fully negotiable. In any suit, action of proceeding involving the validity or enforceability of any obligations issued by the Authority to aid in financing a project pursuant to this ordinance shall be conclusively deemed to have been issued for such purpose.

7. In connection with the issuance of obligations of incurring of obligations under leases and to secure the payment of such obligations, the Authority, subject to the limitations in this ordinance, may:

(a) Pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

(b) Provide for the powers and duties of obligee and limit their liabilities; and provide the terms and conditions on which such obligee may enforce any covenants or rights securing or relating to the obligations.

(c) Covenant against pledging all or any part of its rents, fees and revenues or against mortgaging any or all of its property interests to which its title or right then exists or may thereafter come into existence or permitting or suffering any lien on such revenues or property.

(d) Covenant with respect to limitations on its right to sell, lease or otherwise dispose of any project or any part thereof.

(e) Covenant as to what other or additional debts or obligations may be incurred by it.

(f) Covenant as to the obligations to be issued and as to the issuance of such obligations in escrow or otherwise, and as to the use and disposition of the proceeds thereof.

(g) Provide for the replacement of lost, destroyed or mutilated obligations.

(h) Covenant against extending the time for the payment of its obligations or interest thereon.

(i) Redeem the obligations and covenant for their redemption and provide the terms and conditions thereof.

(j) Covenant concerning the rents and fees to be charged in the operation of a project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof.

(k) Create or authorize the creation of special funds for monies held for construction of operating costs, debt service, reserves or other purposes, and covenant as to the use and disposition of the monies held in such funds.

(l) Prescribe the procedure, if any, by which the terms of any contract with holders of obligations may be amended or abrogated, the proportion of outstanding

ODRDINANCE NO. 15A

obligations the holders of which must consent thereto, and the manner in which such consent may be given.

(m) Covenant as to the use, maintenance and replacement of its property, the insurance to be carried thereon and the use and disposition of insurance monies.

(n) Subject to prior Council approval, and upon such terms and conditions as may be imposed by the Council, covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.

(o) Covenant and prescribe as to events or default and terms and conditions upon which any or all of its obligations become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(p) Vest in any obligee or any proportion of them the right to enforce the payment of the obligations.

(q) Exercise all or any part or combination of the powers granted in this section.

ARTICLE VII

MISCELLANEOUS

1. The Authority shall submit an annual report, signed by the Chairman of the Board, to the Council showing: (a) a summary of the year's activities, (b) the financial condition of the Authority, (c) any significant problems and accomplishments, (f) plans for the future, and (g) such other information as the Authority or the Council shall deem pertinent.

2. During his tenure and for one year thereafter, no commissioner, officer or employee of the Authority, or any member of any governing body of the Tribes, or any other public official who exercises any responsibilities or functions with regard to any project, shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any project. If any commissioner, officer or employee of the Authority involuntarily acquires any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as a commissioner, officer or employee, the commissioner, officer or employee in any such event, shall immediately disclose his interest in writing to the Authority, and such disclosure shall be entered upon the minutes of the Authority, and the commissioner, officer or employee shall not participate in any action by the Authority relating to the property or contract in which he has any such interest. Any violation of the foregoing provisions of this section shall constitute misconduct in office. This section shall not be applicable to the acquisition of any interest in obligations of the Authority issued in connection with any project, or to the execution of agreements by banking institutions for the deposit or handling of funds in connection with a project or to act as trustee under any trust indenture, or to utility services the rates for which are fixed or controlled by a governmental agency.

3. The Authority shall enter into contracts providing for Federal financial assistance, and development projects pursuant thereto, only in accordance with the terms, conditions and limitations of this ordinance and comply with such contracts and applicable Federal legislation.

4. The Authority shall obtain or provide for the obtaining, through Tribal sources, of adequate fidelity bond coverage of its officers, agents, or employees handling cash or authorized to sign checks or certify vouchers.

5. The Authority shall not construct or operate any project for profit.

6. All property including funds acquired or held by the Authority pursuant to this ordinance shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgement against the Authority be a charge or lien upon such property. However, the provisions of this section shall not apply to or limit the right to obligee to pursue any remedies for the enforcement of any pledge or lien given by the Authority, with the prior approval of the Council and upon such terms and conditions as may be imposed by the Council, on its rents, fees, or revenues, or the right of the Federal government to pursue any conferred upon it pursuant to the provisions of this ordinance, or the right of the Authority to bring eviction actions in accordance with Article V, Section 3(1).

ARTICLE VIII

COOPERATION IN CONNECTION WITH PROJECTS

ORDINANCE NO. 15A

1. For the purpose of siding and cooperating in the planning, undertaking, construction or operation of projects, the Tribes hereby agree that:

(a) it will furnish or cause to be furnished to the Tribal member occupants of projects all services and facilities of the same character and to the same extent as the Tribes may furnish from time-to-time without cost charge to other Tribal member dwellings and inhabitants.

(b) Insofar as it may lawfully do so, it will grant such deviations from any present or future building or housing codes of the Tribes as are reasonable and necessary to promote economy and efficiency in the development and operation of any project, but only as may be consistent with the safeguarding of health and safety, and make such changes in any zoning of the site and surrounding territory of any project, at the Council's discretion, as are reasonable and necessary for the development and operation of any project, but only as may be consistent with the safeguarding of health and safety, and make such changes in any zoning of the site and surrounding territory of any project, at the Council's discretion, as are reasonable and necessary for the development and protection of such project, and the surrounding territory.

2. The provisions of this Article shall remain in effect with respect to any project, and said provisions shall not be abrogated, changed, or modified without the consent of the Department of Housing and Urban Development, so long as (a) the project is owned by a public body or governmental agency and is used for low income housing purposes, (b) any contract between the Authority and the Department of Housing and Urban Development for loans of annual contributions, or both, in connection with such project or any monies due to the Department of Housing and Urban Development in connection with such project remain unpaid, whichever period ends the latest. If at any time any project is operated by any public body or governmental agency authorized by law to engage in the development or operation of low-income housing, including the Federal government, the provisions of this action shall inure to the benefit of and be enforced by such public body or governmental agency.

3. Nothing in this ordinance shall obligate the Colorado River Indian Tribes, for the use of the Authority or in connection with any project, to spend, commit, or allocate any Tribal funds or other monies, whether under the Tribes' direct or indirect control or designated for its benefit of use, or to alienate, convey, lease, encumber, or otherwise dispose of, Tribal lands or other properties of every nature and description, whether under the Tribes' direct or indirect control or designated for its benefit or use, except as may be specifically consented to by the Tribal Council.

ARTICLE IX

APPROVAL BY SECRETARY OF THE INTERIOR

With respect to any financial assistance contract between the Authority and the Federal government, the Authority shall obtain the approval of the Secretary of the Interior or his designee.

APPROVAL FOR THE SECRETARY OF INTERIOR

By: /s/ William J. Lawrence
Superintendent

ORDINANCE NO. 15B

ORDINANCE ESTABLISHING THE COLORADO RIVER RESIDENTIAL MANAGEMENT CORPORATION (The Colorado River Indian Tribal Designated Housing Entity)

Be it enacted by the Tribal Council of the Colorado River Indian Tribes (hereinafter the Tribal Council):

Pursuant to the authority vested in the Colorado River Indian Tribes (hereinafter the Tribes) by their Constitution, as set forth more particularly in Article VI, Sections 1(q) and 1(v), thereof, and the Tribes' inherent authority as a sovereign nation to provide for the health, safety, morals and welfare of their people, the Tribal Council hereby charters a public corporation known as The Colorado River Residential Management Corporation (hereinafter the Colorado River Indian Tribal Designated Housing Entity "CRITDHE"), and enacts this Ordinance which shall constitute the CRITDHE charter and establish its purposes, powers and duties.

The Tribal Council hereby repeals Ordinance 15, and repeals in part and amends in part Ordinance 15(A), establishing the Colorado River Indian Housing Authority (hereinafter "CRIHA"), and transfers all legal authority not specifically reserved to CRIHA under Ordinance 15(A), as amended, to the CRITDHE. This Ordinance shall be controlling as to all future duties and obligations of the CRIHA and other designated housing programs placed under the direction of the CRITDHE.

In any suit action or proceeding involving the validity or enforcement of or relating to any of its contracts, the CRITDHE shall be conclusively deemed to have become established and authorized to transact business and exercise its power upon proof of the adoption of this Ordinance. A copy of the Ordinance duly certified by the Secretary of the Council shall be admissible in evidence in any suit, action or proceeding.

ARTICLE I DECLARATION OF NEED

It is hereby declared:

1. That there exists within the area of the jurisdiction of this Tribal Council unsanitary, unsafe and overcrowded dwelling accommodations; that there is a shortage of decent, safe and sanitary dwelling accommodations available at rents or prices which persons of low income can afford; and that such shortage forces such persons to occupy unsanitary, unsafe and overcrowded dwelling accommodations;
2. That these conditions cause an increase in and spread of disease and crime and constitute a menace to health, safety, morals and welfare; and that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety protection, fire and accident prevention, and other public services and facilities;
3. That the shortage of decent, safe and sanitary dwellings for persons of the Colorado

otherwise, of the United States of America.

5. "Homebuyer" means a person(s) who has executed a lease-purchase agreement with the CRITDHE and who has not yet achieved homeownership or desires to upgrade their housing needs.

6. "Residential Advisory Committee " means the Committee appointed by the Tribal Council as advisors for management and maintenance of the 1937 housing units.

7 (a) "Housing Project" or "Project" means any work or undertaking to provide or assist in providing (by any suitable method, including but not limited to: rental; sale of individual units in single or multifamily structures under conventional condominium, or cooperative sales contracts or lease-purchase agreements; loans or subsidizing of rentals or charges) decent, safe and sanitary dwellings, apartments, or other living accommodations for persons of low income. Such work or undertaking may include buildings, land, leaseholds, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, for streets, sewers, water service, utilities, parks, site preparation or landscaping, and for administrative, community, health, recreational, welfare, or other purposes.

(b) The term "Housing Project" or "Project" also may be applied to the planning of the buildings and improvements, the acquisition of property or any interest therein, the demolition of existing structures, the construction, reconstruction, rehabilitation, alteration or repair of the improvements or other property and all other work in connection therewith, and the term shall include all other real and personal property and all tangible or intangible assets held or used in connection with the housing project.

8. "Obligations" means any notes, bonds interim certificates, debentures, or other forms of obligation issued by the CRITDHE pursuant to this Ordinance.

9. "Obligee" includes any holder of an obligation, agent or trustee for any holder of an obligation, or lessor transferring to the CRITDHE property used in connection with a project, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal Government when it is a party to any contract with the CRITDHE in respect to a housing project.

10. "Persons of Low Income" means persons or families who cannot afford to pay enough to cause private enterprise in their locality to build an adequate supply of decent, safe, and sanitary dwellings for their use.

11. "Persons of Moderate Income" means persons or families whose housing needs cannot be reasonably met without assistance and the CRITDHE and that the CRITDHE determines that the presence of the family/individual on CRIT land is essential to the well being of Indian families.

12. "Persons of High Income" persons or families whose housing needs cannot be reasonably met without assistance from the CRITDHE and whose median income falls within 80% to 100% of the national income levels as provided by the appropriate federal

agency.

[As amended, on June 30, 2002, by Ordinance 15B.]

ARTICLE IV CRITDHE BOARD

(1) The general affairs of the CRITDHE shall be overseen by a seven (7) member Board but management of the CRITDHE is delegated to the Executive Director and such other corporate officers, agents and/or employees recruited for this purpose.

(2) The CRITDHE shall be governed by a Board comprised of those persons holding the office of committee and board chairperson of the Colorado River Indian Tribes Housing Authority, Revolving Credit Committee, Housing Improvement Committee, Business Enterprise Board, the Residents Initiative Organization Team, one Tribal Council liaison and one (1) member as a community at large.

(3) All Board members shall be members of the Tribes.

(4) a. No person shall be barred from serving on the Board because he is a tenant or homebuyer in a housing project of the CRITDHE. Such Board member shall be entitled to fully participate in all meetings concerning matters that affect all of the tenants or homebuyers, even though such matters affect him as well. However, no such

Commissioner shall be entitled or permitted to participate in or be present at any meeting (except in his capacity as a tenant or homebuyer), or to be counted or treated as a member of the Board, concerning any matter involving his individual rights, obligations or status as a tenant or homebuyer.

b. The two (2) Tribal Council appointments shall be for two years. The remaining Board members shall serve on the Board in a manner consistent with the interests, policies and procedures of the affected housing programs he represents.

c. The Board shall designate a Chairman from among the Board members. The Board shall elect from among its members a Vice-Chairman, a Secretary, and a Treasurer, and any member may hold two of these positions. In the absence of the Chairman, the Vice-Chairman shall preside; and in the absence of both the Chairman and Vice-Chairman, the Secretary shall preside.

d. The presence of four (4) Board members (notwithstanding any vacancies) shall constitute a full Board and a legal quorum for the transaction of business, but no Board action shall be taken by a vote of less than a majority of such full board.

e. The Board members shall not receive compensation for their service but shall be entitled to compensation for expenses, including travel and mileage expenses incurred in the discharge of their duties.

(c) To agree, notwithstanding anything to the contrary contained in this Ordinance or in any other provision of law, to any conditions attached to Federal financial assistance relating to the determination of prevailing salaries or wages or compliance with labor standards, in the development or operation of projects. The CRITDHE may include in any contract let in connection with a project stipulations requiring that the contractor and any subcontractor comply with requirements as to minimum salaries or wages and maximum hours of labor, comply with any conditions which the Federal government may have attached to its financial aid to the project.

(d) To obligate itself, in any contract with the Federal government for annual contributions to the CRITDHE.

(e) To lease property from the Tribes and others for such periods as are authorized by law, and to hold and manage or to sublease the same.

(f) To borrow or lend money, to issue temporary or long term evidence of indebtedness, and to repay same. Obligations shall be issued and repaid in accordance with the provisions of Article VI of this Ordinance.

(g) To pledge the assets and receipts of the CRITDHE as security for debts; and to acquire, sell, lease, exchange, transfer or assign personal property or interests therein.

(h) To purchase land or interests in land or take the same by gift; to lease land or interests in land to the extent provided by law.

(i) To undertake and carry out studies and analysis of housing needs, to prepare housing plans, to execute the same, to operate projects and to provide for the construction, reconstruction, improvements, extension, alteration or repair of any project or any part thereof.

(j) With respect to any dwellings, accommodations, lands, buildings or facilities embraced within any project (including individual cooperative or condominium units): to lease or rent, sell, enter into lease-purchase agreements or leases with option to purchase; to establish and revise rents or required monthly payments; to make rules and regulations concerning the selection of tenants or homebuyers; including the establishment of priorities, and concerning the occupancy, rental, care and management of housing units; and to make such further rules and regulations as the Board may deem necessary and desirable to effectuate the powers granted by this Ordinance. However, otherwise eligible homebuyers who are not enrolled members of the Colorado River Indian Tribes may only be granted a non-transferable life-estate.

(k) To finance purchase of a home by an eligible homebuyer in accordance with regulations and requirements of the Native American Housing Assistance Self Determination Act (NAHASDA), or other applicable funding source be it state, county, private, federal or tribal.

(l) To terminate any lease or rental agreement or lease-purchase agreement when the tenant or homebuyer has violated the terms of such agreement or failed to meet any

purposes and may also issue refunding obligations for the purpose of paying or retiring obligations previously issued by it. The CRITDHE may issue such types of obligations as it may determine, including obligations on which the principal and interest are payable: (a) exclusively from the income and revenues of the project financed with the proceeds of such obligations, or with such income or revenues together with a grant from the Federal government in aid of such project; (b) exclusively from the income and revenues of certain designated projects whether or not they were financed in whole or in part with the proceeds of such obligations; or (c) from its revenues generally. Any such obligations may be additionally secured by a pledge of any revenues of any project or other property of the CRITDHE.

2. Neither the Board of the CRITDHE nor any person executing the obligations shall be liable personally on the obligations by reason of issuance thereof

3. The notes and other obligations of the CRITDHE shall not be a debt of the Tribes and the obligations shall so state.

4. Obligations of the CRITDHE are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes imposed by the Tribes. The tax exemption provisions of this Ordinance shall be considered part of the security of the repayment of obligations and shall constitute, by virtue of this Ordinance and without necessity of being restated in the obligations, a contract between (a) the CRITDHE and the Tribes, and (b) the holders of obligation and each of them, including all transferees of the obligations from time to time.

5. Obligations of the CRITDHE shall be issued and sold in the following manner:

(a) Obligations of the CRITDHE shall be authorized by a resolution adopted by the vote of a majority of the full Board and may be issued in one or more series.

(b) The obligations shall bear such dates, mature at such time, bear such interest at such rates, be in such denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment and at such places, and be subject to such terms of redemption, with or without premium, as such resolution may provide.

(c) The obligations may be sold at public or private sale at not less than par.

(d) In any case of the CRITDHE Board whose signatures appear on any obligations cease to be Board members before the delivery of such obligations, the signatures shall, nevertheless, be valid and sufficient for all purposes the same as if the Board member had remained in office until delivery.

6. Obligations of the CRITDHE shall be fully negotiable. In any suit, action or proceeding involving the validity or enforceability of any obligations of the CRITDHE or the security thereof, any such obligation reciting in substance that it has been issued by the CRITDHE

(l) Prescribe the procedure, if any, by which the terms of any contract with holders of obligations may be amended or abrogated, the proportion of outstanding obligations the holders of which must consent thereto, and the manner in which such consent may be given.

(m) Covenant as to the use, maintenance and replacement of its real or personal property, the insurance to be carried thereon and the use and disposition of insurance moneys.

(n) Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.

(o) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its obligations become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(p) Vest in any obligees or any proportion of them the right to enforce the payment of the obligations or any covenants securing or relating to the obligations.

(q) Exercise all or any part or combination of the powers granted in this section.

(r) Make covenants other than and in addition to the covenants expressly authorized in this section, of like or different character.

(s) Make any covenants and do any acts and things necessary or convenient or desirable in order to secure its obligations, or, in the absolute discretion of the CRITDHE, tending to make the obligations more marketable although the covenants, acts, or things are not enumerated in this section.

ARTICLE VII MISCELLANEOUS

1. During his tenure and for one year thereafter, no Board member officer or employee of the CRITDHE, or any member of any governing body of the Tribes, or any other public official who exercises any responsibilities or functions with regard to the project, shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any project, unless prior to such acquisition, he discloses his interest in writing to the CRITDHE and such disclosure is entered upon the minutes of the CRITDHE, and the Board member, officer or employee shall not participate in any action by the CRITDHE relating to the property or contract in which he has any such interest. If any Board member, officer or employee of the CRITDHE involuntarily acquires such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as a Board member, officer or employee, the Board member, officer or employee, in any such event, shall immediately disclose his interest in writing to the CRITDHE, and such disclosure shall be entered upon the minutes of the CRITDHE, and the Board member, officer or employee shall not participate in any action taken by the CRITDHE relating to

see below this ord. pg.3

COLORADO RIVER INDIAN TRIBES

ORDINANCE NO. 16A

Providing for the Designation and Regulation of Dump Sites
and/or Sanitary Landfills

Be it enacted by the Tribal Council of the Colorado River Indian Tribes as follows:

Section 1. The Tribal Council shall designate areas on the Colorado River Indian Reservation as dumpsites and/or sanitary landfill type of waste disposal, their locations and the extent and manner of their use, and shall have the power to close such sites as deemed necessary.

Section 2. There shall be maintained at the Tribal offices and at such other places as may be designated by the Tribal Council, a public record, open to inspection, of the location and nature of all such dump sites and/or sanitary landfills available for use at any given point of time.

Section 3. The Tribal Court of the Colorado River Indian Tribes is hereby given jurisdiction over all offenses and violations of this Ordinance. The Landfill Operator and the Tribal Police of the Colorado River Indian Tribes are hereby given authority for citation of individuals or companies found to be in violation of this Ordinance.

[Amended July 17, 1981, Ord. No. 16B.]

Section 4. The following actions are prohibited by this Ordinance and shall constitute an offense punishable by a fine not to exceed one hundred dollars (\$100.00) or thirty (30) days confinement, or both, upon conviction in the Tribal Court.

a. The dumping or discarding of solid waste or trash of any character except in designated areas.

b. The dumping of garbage, bottles, automotive equipment, bodies or frames except in designated areas.

c. The dumping of sanitary sewer refuse, animal bodies or toxic elements or containers except in designated areas.

d. The destruction or removal of signs posted at designated dump sites and/or sanitary landfill areas now in existence or as may be designated.

Section 5. Transfer units (trash bins) have been placed at designated sites on the Reservation which are paid for by the Tribal government for the specific use of Tribal members only.

Section 6. All others, non-Indian, non-Tribal members, commercial and/or agricultural lessees must negotiate for bin collection and pick-up service

by written agreement with the authorized disposal company. Any unauthorized persons or entities found using Tribal bins and/or service will be issued a citation by the Tribal Police and prosecuted under the provisions of this Ordinance.

Section 7. A sanitary landfill site approved by the Tribal Council for use is located five (5) miles south of the Town of Parker on Highway 95, which is currently the only legally approved dumpsite on the Colorado River Indian Reservation. All persons who have not arranged for pick-up service must use this location.

Section 8. Nothing herein shall be deemed to conflict with or to modify in any manner any valid requirements or regulations of the Public Health Service.

Section 9. This Ordinance supersedes Ordinance No. 16, adopted November 13, 1965, as amended January 22, 1969, and repealed June 22, 1974.

The foregoing Ordinance was on September 22, 1976, duly approved by a vote of 6 for and 0 against, by the Tribal Council of the Colorado River Indian Tribes, pursuant to authority vested in it by Article VI, Section 1 (v), of the Constitution and Bylaws of the Colorado River Indian Tribes, ratified by the Tribes on March 1, 1975, and approved by the Secretary of the Interior on May 29, 1975, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984). This Ordinance is effective as of the date of its adoption.

COLORADO RIVER INDIAN TRIBAL COUNCIL

By: _____
Anthony Drennan, Sr., Chairman

Edward Swick, Secretary

atlarge\ord16a

(HOW DO I MAKE A CODE OUT OF THIS?)
UTILITIES?

Use the document below for code in book.

ORDINANCE NO. 16A

[NOTE: Ordinance No. 16A was enacted on September 22, 1976. Section 3 of Ordinance No. 16A was amended July 17, 1981 by Ordinance No. 16B.]

Providing for the Designation and Regulation of Dump Sites
and/or Sanitary Landfills

Be it enacted by the Tribal Council of the Colorado River Indian Tribes as follows:

Section 1. The Tribal Council shall designate areas on the Colorado River Indian Reservation as dumpsites and/or sanitary landfill type of waste disposal, their locations and the extent and manner of their use, and shall have the power to close such sites as deemed necessary.

Section 2. There shall be maintained at the Tribal offices and at such other places as may be designated by the Tribal Council, a public record, open to inspection, of the location and nature of all such dump sites and/or sanitary landfills available for use at any given point of time.

Section 3. The Tribal Court of the Colorado River Indian Tribes is hereby given jurisdiction over all offenses and violations of this Ordinance. The Landfill Operator and the Tribal Police of the Colorado River Indian Tribes are hereby given authority for citation of individuals or companies found to be in violation of this Ordinance.

Section 4. The following actions are prohibited by this Ordinance and shall constitute an offense punishable by a fine not to exceed one hundred dollars (\$100.00) or thirty (30) days confinement, or both, upon conviction in the Tribal Court.

a. The dumping or discarding of solid waste or trash of any character except in designated areas.

b. The dumping of garbage, bottles, automotive equipment, bodies or frames except in designated areas.

c. The dumping of sanitary sewer refuse, animal bodies or toxic elements or containers except in designated areas.

d. The destruction or removal of signs posted at designated dump sites and/or sanitary landfill areas now in existence or as may be designated.

Section 5. Transfer units (trash bins) have been placed at designated sites on the Reservation which are paid for by the Tribal government for the specific use of Tribal members only.

Section 6. All others, non-Indian, non-Tribal members, commercial and/or agricultural lessees must negotiate for bin collection and pick-up service by written agreement with the authorized disposal company. Any unauthorized persons or entities found using Tribal bins and/or service will be issued a citation by the Tribal Police and prosecuted under the provisions of this Ordinance.

Section 7. A sanitary landfill site approved by the Tribal Council for use is located five (5) miles south of the Town of Parker on Highway 95, which is currently the only legally approved dumpsite on the Colorado River Indian Reservation. All persons who have not arranged for pick-up service must use this location.

Section 8. Nothing herein shall be deemed to conflict with or to modify in any manner any valid requirements or regulations of the Public Health Service.

Section 9. This Ordinance supersedes Ordinance No. 16, adopted November 13, 1965, as amended January 22, 1969, and repealed June 22, 1974.

...

ORDINANCE NO. 17

[NOTE: Ordinance No. 17 was enacted on January 22, 1966.]

Be it enacted by the Tribal Council of the Colorado River Indian Tribes, at a special meeting of said council held on the 22nd day of January, 1966, by a vote of 7 for and 0 against, that, pursuant to the provisions of Section 1, paragraph (q), of Article VI of the Constitution of the Colorado River Indian Tribes, the attached Articles of Association of the Parker Indian Rodeo Association are hereby approved and adopted as the Charter of said organization, and,

That said Association is hereby chartered in accordance with and pursuant to the provisions of said Articles of Association, subject only to review by the Secretary of the Interior or his duly authorized representative.

ooo

CERTIFICATION

The forgoing ordinance was on January 22, 1966, duly adopted by a vote of 7 for and 0 against, by the Colorado River Indian Tribal Council pursuant to authority vested in it by the Constitution and By-Laws of the Colorado River Indian Tribes as indicated in the body of the Ordinance. This Ordinance is effective as of the date of its adoption.

/s/ Herman D. Laffoon, Sr.
Chairman, Colorado River Indian
Tribal Council

/s/ Agnes Savilla
Secretary, Colorado River Indian
Tribal Council

Approved 1-27-66

/s/ Homer M. Gilliland
Superintendent

ARTICLES OF ASSOCIATION

of the

PARKER INDIAN RODEO ASSOCIATION

PREAMBLE

In order to form a non-profit association for the purpose of sponsoring rodeos for non-profit entertainment in which Indians participate and be the contestants, a group of interested Indians met on January 14, 1966 at Parker, Arizona to adopt the following "Articles of Association."

ARTICLE I

1. The name of this association shall be, "Parker Indian Rodeo Association," hereafter referred to the PIRA or the Association.
2. The principle office and place of business shall be at the Tribal Administration Center, Colorado River Indian Reservation, Parker, Arizona.

ARTICLE II

The purposes for which the Association is formed are as follows:

1. To organize the Indian Rodeo Contestants of the Colorado River Reservation for their mutual protection and benefit.
2. To foster and promote interest and to raise the standards of rodeo events so they will rank among the foremost of American sports.
3. To cooperate in a friendly spirit and attitude with the management of all rodeos in which Indians participate.
4. To protect Association members against dishonesty and unfair practices in rodeo events.
5. To bring about honest advertising and promotion so that the public may rely upon the truth of advertised events in which Indian Association members participate.
6. To work for the improvement of conditions and rules governing rodeo events in which members of PIRA participate.
7. To publish in advance complete information concerning the dates of rodeos, rules and regulations which apply to each rodeo event, names of contestants, prizes, and other particulars in which members of PIRA are interested.
8. To provide and solicit funds for the purchases of trophies to be awarded to the high point winners in the events selected by the Board of Directors.

ARTICLE III

NON-PROFIT ORGANIZATION

1. This association, referred to as PIRA, as organized and shall exist as a non-profit association, for the sole purpose of sponsoring entertainment for the general public as well as for the Indian people, without capital stock or shares and no dividend shall ever be paid or inure to the private benefit of any director, officer, member, or individual having a personal interest in the assets of the Association except that the Association may be allowed to make gifts directly to the Colorado River Indian Tribes or to any other group or organization.
2. The activities of PIRA shall be conducted in such a manner that the Association shall not in anyway whatsoever directly or indirectly, engage or carry on propaganda or otherwise attempt to influence legislation or participate, or intervene in any manner whatsoever in any tribal political campaign on behalf or against any candidate for public office.

ARTICLE IV

BOARD OF DIRECTORS AND OFFICERS

1. The Board of Directors shall have the control and general management of the affairs and business of PIRA. They may adopt rules and regulations for the conduct of their meetings and the management of the Association, as they deem proper, not inconsistent with these Articles of Association or the Constitution and By-Laws of the Colorado River Indian Tribes.
2. The Board of Directors shall consist of seven (7) members who must be twenty-one (21) years of age or older, and members of the Colorado River Indian Tribes. Directors must also be residents of the Colorado River Indian Reservation.
3. The original Board of directors, effective as of the effective date hereof, shall be as follows:

Harry Flores, Jr.

Dwight M. Lomayesva, Sr.

Antenor Romo

Domingo T. Esquerria, Sr.

Dick Welsh

Dean Welsh

Russell Welsh

Thereafter, the Board of Directors shall be elected at the annual meeting of the Association by the qualified voting members of PIRA, and all Directors shall hold office for one (1) year, with the exception contained in Article VI, 6, unless replaced because of death, resignation, removal or other cause in a manner hereafter provided.

4. Five of the Directors shall constitute a quorum for the transaction of business at any meeting and the act of a majority of the Directors present at any such meeting at which a quorum is present shall be the act of the Board of Directors. In the absence of a quorum the majority of the Directors present may adjourn any meeting from time to time until a quorum be had. Notice of any adjourned meeting need not be given. The directors shall act only as a board and the individual directors shall have no power as such.

5. All committees shall be appointed by the Board of Directors, except that the Board of Directors may vest in the President the authority to appoint particular committees.
6. Each member of the Board of Directors shall have one (1) vote. In the case of a tie vote, the President will cast the deciding vote.
7. The Board of Directors is empowered to enter into contracts in accordance with the purposes stated in these Articles and not inconsistent with the Constitution and By-Laws of the Colorado River Indian Tribes.
8. The officers of PIRA shall be President, a Vice-president, a Treasurer and a Secretary. They shall be elected from within the membership of the duly elected Board of Directors at the annual meeting of the Association by the qualified voting members of PIRA, except that, until the first annual meeting hereunder, the following shall be the officers of this Association:

Domingo T. Esquerro, Sr.

President

Russell Welsh

Vice-President

Dean Welsh

Secretary

Harry Flores, Jr.

Treasurer

9. Each officer, except the Treasurer, shall hold office until the first annual meeting and thereafter shall hold office for a period of one (1) year, and until his successor shall have been duly elected and qualified, or until his death, or until he shall resign or shall have been moved in a manner hereafter provided.
10. The President shall be the chief executive officer of the Association and shall preside at all annual meetings of PIRA and meetings of the Board of Directors. He shall have general supervision over the business of the Association and over its officers, subject, however, to the control of the Board of Directors. He may sign and execute in the name of the Association, contracts, or other instruments, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors to some other officer or member of the Association; and in general, he shall perform all duties incident to the duties of President, and such other duties as from time to time may be assigned to him by the Board of Directors.
11. The Vice-president shall in the absence or incapacity of the President, or as ordered by the Board of Directors, perform the duties of the President, or such other duties as may be given to him by the Board of Directors from time to time.
12. The Secretary shall keep the minutes of all annual meetings of PIRA and the meetings of the Board of Directors. He shall attend to the official correspondence and shall keep all books, records, documents and other instruments pertaining to the Association at such place as designated by the Board of Directors and such records and documents shall be available at all times, the Secretary having the authority to exhibit these upon request, to the Board of Directors or members of PIRA. In the absence of the Secretary, he shall provide previous arrangements to insure that the proper documents are available for use by the Board of Directors as needed. He may countersign any and all contracts or other instruments in

writing which obligate or bind the Association, and he shall, in general, perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him by the President or by the Board of Directors.

13. The Treasurer shall have the care and custody of all funds of the Association, and shall keep an accurate account of all monies received by him and shall deposit same in the name of the Association in such bank or other depository designated by the Board of Directors. He shall not pay out or disburse any PIRA funds except by check, countersigned by another designated Director or officer of PIRA, and only for the purposes of PIRA, and only as authorized by the Board of Directors. At each annual meeting the Treasurer shall submit a financial statement for the preceding year, showing details of receipts and disbursements and be ready at all times to render a financial report to the Board of Directors. The treasurer shall be bonded in the amount of one thousand dollars (\$1,000). In addition, he shall, in general, perform all duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him by the President or by the Board of Directors.
14. Any one or more of the Directors and/or officers may be removed either with or without cause by a majority vote of the Board of Directors.
15. Resignations of Directors or officers must be presented to the Board of Directors in writing.
16. The Board of Directors, by appointment, may fill any vacancy among the directors and officers by a majority vote at any meeting, but only for the unexpired term of the existing vacancy.

ARTICLE V

MEETINGS

1. The annual meeting of the PIRA shall be held on the second Saturday in the month of September of each year. Written communication of this meeting shall be mailed to each member of the association at least five (5) days prior to the meeting and shall designate the time and place the meeting is to be held.
2. The regular monthly meeting of the Board of Directors will be held on the first Friday in each month.
3. Special meeting of the Association may be called by the Board of Directors, provided written notice of such special meeting is mailed to each member of PIRA at least five (5) days prior to the meeting and designating the date, time, place, and purpose.
4. Any member of the Association who meets the requirements stated in Article IV, 2, whose name is presented at least five (5) days prior to the annual meeting and election to the Secretary of PIRA, by petition signed by five (5) members of the Association, shall be declared by the Board of Directors to be regularly nominated and to be candidate for Board of Directors and for an officer of the Association, if so indicated on the petition. It shall be the duty of the Secretary to list all qualified candidates on the official ballot form to be used in voting.
5. During the annual meeting, nominations shall be open from the floor, and it shall be the duty of the Secretary to write in qualified candidates in spaces provided on the official ballot form prior to the voting.
6. The four (4) members receiving the highest number of votes at the first annual meeting and election of this Association shall hold office on the Board of Directors until their successors are elected in September of 1968. The three remaining members receiving the next highest number of votes shall hold office until their successors are elected in September of 1967. Each director subsequently elected shall serve for a term of one (1) year.
7. Immediately after the Board of Directors have been elected nominations will be open for nomination of persons on the elected Board of Directors for the offices of President, Vice-president, Secretary and Treasurer. It shall be the duty of the Secretary to see that candidates names, taken from petitions or from nominations from the floor, are written in on spaces provided on ballots for each office. Each office shall be voted upon separately and the candidates receiving the highest number of votes for the offices of President, Vice-president and Secretary shall hold offices until their successors are elected in September of 1966. Each officer, except the Treasurer, subsequently elected shall hold office for a period of one (1) year. The Treasurer shall be elected for an indefinite term of office and shall be removed only upon death, resignation, failure to be re-elected to the Board, or by other means heretofore provided in these Articles.
8. The Board of Directors shall appoint an election committee to be composed of three (3) members of the Association, who shall have the responsibility of counting all ballots and determining and certifying to the results in all elections. The election committees decisions shall be final.
9. Only members in good standing in the Association will be considered as qualified voters.

10. No person shall hold more than one office at any given time.
11. Associate members of PIRA are not considered as eligible or qualified candidates or voters.

ARTICLE VII

MEMBERSHIP

1. Membership and Dues

- a) Members of PIRA shall be of Indian descent, but not necessarily members of the Colorado River Indian Tribes. Members shall consist primarily of Indian rodeo contestants, contract performers, stock contractors, rodeo managers and other interested Indian rodeo participants.
- b) Associate members (non-Indian and other interested individuals) shall be eligible to join PIRA upon payment of the fixed membership fee. Associate members have no voting rights or voice in the management or business of the Association.
- c) All membership in PIRA shall be approved by the Board of Directors. Any Indian may request membership and submit such request to any director or officer of PIRA., A majority vote of the Board of Directors is necessary to approve or reject any request for membership in PIRA.
- d) Any number may be suspended or expelled by the Board of Directors after a proper hearing at any regular meetings of the charges made against him.
- e) Any member may resign by filing a written resignation with the Secretary of the Board of Directors, but such resignation shall not relieve the member so resigning of the obligation to pay any unpaid accounts due the Association.
- f) Any member who has been expelled may be reinstated by the affirmative vote of two-thirds (2/3) of the Board of Directors.
- g) By the act of joining PIRA, each member agrees to abide by these Articles and uphold all rules, regulations and decisions of the Board of Directors and the Association.
- h) Any PIRA member called to active duty or serving in any branch of the armed forces of our country shall be issued a paid up membership card the first of each year. Such membership shall be in full force until he leaves the armed forces.
- i) Annual dues must be paid before any member may be a candidate for office or be a qualified voter or be considered a member in good standing.
- j) Annual membership dues are hereby fixed at ten dollars (\$10.00) each calendar year, from January 1st to December 31st, and shall be due and payable at the annual business meeting of PIRA, preceding the year for which such dues are payable.
- k) Any member who has not paid his dues by January 15th of the succeeding calendar year following the annual business meeting, shall be dropped.

- l) Members must be of a minimum age of sixteen (16) years with no maximum age limitation.
- m) Each member shall file his correct address with the Secretary. Failure to do so shall hinder the Secretary in disbursing important communications to members.
- n) All members who are in default for non-payment of dues, or suspended, shall not participate in PIRA rodeo events.
- o) Any Indian applying for membership in PIRA who is under twenty-one (21) years of age must submit a notarized application signed by his/her parents or guardian to the Board of Directors giving consent for him/her to participate in PIRA rodeo events.
- p) Any member who has a grievance against PIRA, its Board of Directors, officers or members, shall present same in writing to the Secretary or the Board of Directors so it can properly be taken care of.
- q) Any member who falsely represents himself concerning PIRA, shall be dealt with according to the powers and authority of the Board of Directors.
- r) All members will be issued membership cards upon payment of annual dues.

2. Contest Rules

The general contest rules shall be in keeping with customary rodeo contest rules, such as those used by RCA, ARA, etc., and shall be followed as closely as possible. Specific contest rules shall be determined at the beginning of each rodeo and each contestant shall be notified of the rules which apply in his event.

3. Responsibility

The Association, its directors, officers, members and the Colorado River Indian Tribes assume no responsibility or liability for injury, damage or loss to participants through injury, damage, error, or any reason whatsoever, and each participant by the act of participation waives all claims against the employees, officials, management, etc., of the rodeo event.

ARTICLE VIII

SPONSORSHIP OF WORTHY PROJECTS

Rodeos or other rodeo type events may be staged for any purpose deemed worthy by the Board of Directors.

ARTICLE IX

AMENDMENTS

Amendments to these Articles of Association must be approved by the Board of Directors and adopted by a majority of the members voting at the annual business meeting of the Association. No amendment will become effective until adopted at the annual business meeting in September of any calendar year.

Approved by the Colorado River Indian Tribal Council on this 22nd day of January, 1966, pursuant to the provisions of Ordinance No. 17.

s/ Herman D. Laffoon, Sr.
Chairman, Colorado River Indian Tribes

/s/ Agnes Savilla
Secretary, Colorado River Indian Tribes

ORDINANCE NO. 23

[NOTE: Ordinance No. 23 was enacted on June 30, 1969. Sections 2(a) and 3(a) were amended on April 3, 1971.]

Relating to the conduct of Tribal Council Members of the Colorado River Indian Tribes during meeting of the Tribal Council:

DEFINITION OF TERMS

Chairman, Vice-Chairman and Secretary for the purposes of this Ordinance shall mean Chairman, Vice-Chairman and Secretary of the Colorado River Indian Tribal Council whenever the offense occurs within the Tribal Council meeting and shall mean Chairman, Vice-Chairman or Secretary of the tribal committee affected whenever the offense occurs in a meeting of that committee.

Be it enacted by the Tribal Council of the Colorado River Indian Tribes that:

- (1) All council members including the officers of the council are expected to be on time at all meetings of the council.
- (2) Any member or officer of the council who arrives more than thirty minutes after the appointed time for any duty called or scheduled Tribal Council meeting or committee meeting shall have his per diem for that meeting reduced by one-half.
 - (a) Any member or officer of the Council who leaves more than 30 minutes before adjournment for any duly called Council meeting or committee meeting or is 30 minutes late for any duly called meeting; with no excuses, shall have his per diem for the meeting reduced by one-half.
- (3) Any member or officer of the council who arrives more than sixty minutes after the appointed time for any duty called or scheduled Tribal Council meeting or committee meeting shall not be paid per diem for that meeting.
 - (a) Any member or officer of the Council who leaves more than 60 minutes before adjournment for any duly called or scheduled Council meeting or committee meeting or is 60 minutes late; with no excuses, shall not be paid per diem for that meeting.
- (4) The Secretary-Treasurer shall make the determination as to what shall be the official time in such incidences.
 - (a) In the event the Secretary-Treasurer is tardy, the Chairman shall determine the official time.
- (5) In the event that any member or officer of the Tribal Council who attends a duty called or scheduled Council or committee meeting in an inebriated condition or smelling of intoxicating drink, it shall be mandatory upon the Chairman or upon the Vice-Chairman or Secretary if it is the Chairman who is drinking or intoxicated to request a motion that the member in violation be ejected from the meeting.
- (6) In the event that any officer or member of the Tribal Council is ejected three times from council or committee meetings for attending the meetings in an intoxicated condition or smelling of an intoxicating drink, it

APPENDIX

shall be mandatory for the Tribal Chairman or the Vice-Chairman, if the Chairman is the violator, to request a motion that the offending member be expelled from the council pursuant to Article V, Section 2 of the Colorado River Tribal Constitution.

- (7) In the event that inebriated condition is not noticed by the Chairman, any member may make motion for ejection or expulsion without request of the Chairman, stating his reason prior to such motion.
- (8) All sections of this Ordinance shall apply to all Tribal members who are acting in an official capacity on committees established by the tribal council.
 - (a) It shall be mandatory that committee Chairman, or if the Chairman be in violation of this Ordinance, and the committee secretaries to report any tardiness to the Tribal Secretary-Treasurer by 9 a.m. on the first working day following the committee meeting. In the event, that a committee member is ejected for violations of Section 5 and/or 6, the ejected members's name shall be given to the Tribal Administrative Committee for presentation to the council. The Colorado River Tribal Council reserves the sole right to remove committee members in violation of Section 6.

[Amended April 3, 1971, Reg. TC Meeting.]

ooo

TRANSPORTATION CODE

ARTICLE 5

IMPOUNDMENT OF VEHICLES

[NOTE: Except as otherwise noted, the provisions of Article 5 of the Transportation Code were enacted on February 12, 1977 by Ordinance No. 30. The provisions of Ordinance No. 30 were renumbered and codified to the Transportation Code of the Colorado River Indian Tribes on January 11, 1992 by Section 6 of Ordinance No. 92-2.]

Section 5-101. For the purposes of this Ordinance, the term vehicle is defined to include any motorized, self-propelled vehicle such as an automobile, truck, tractor, motorcycle or aircraft, and also any boat, trailer, mobile home, bicycle, or farm equipment or industrial equipment, or equipment of any other nature, whether or not motorized or self-propelled.

Section 5-102. Any vehicle which is abandoned anywhere within the Colorado River Indian Reservation may be impounded by the Tribal Police Department, or at its direction.

Section 5-103. Any vehicle stopped, parked or left standing in violation of any provision of Chapter L of Article VI of the Law and Order Code of the Colorado River Indian Tribes may be impounded by the Tribal Police Department, or at its direction, in either of the following circumstances:

(a) If the vehicle is unattended; or

(b) If the vehicle is attended, but it is incapable of being moved by the attendant to a place where said vehicle no longer is in violation of said Chapter L, or if the attendant upon request of the member of the Tribal Police Department fails or refuses to so move the vehicle.

Section 5-104. If the driver, operator or attendant of any vehicle is taken into custody within the Reservation by any law enforcement officer for a suspected violation of the Law and Order Code, that vehicle may be impounded by the Tribal Police Department.

Section 5-105. Any impoundment of a vehicle, or any movement of a vehicle at the request of a member of the Tribal Police Department, shall not excuse or waive any violation or offense under the Law and Order Code, nor shall it serve as a defense upon prosecution of such offense.

Section 5-106. The Tribal Police Department shall establish or designate an impoundment area to which all vehicles which are impounded hereunder shall be moved.

Section 5-107. This Section shall apply only to impoundment of vehicles pursuant to Section 5-102 (abandoned vehicles) or Section 5-103(a) (unattended vehicles) of this Ordinance. No vehicle shall be impounded pursuant to Section 5-102 or Section 5-103(a) of this Ordinance until the

expiration of at least twelve (12) hours after a written notice of intention to impound has been served (1) on the registered owner of the vehicle, or (2) on the apparent owner where registration is inapplicable. A notice of intention to impound shall be served only in the following manner:

(a) Physical delivery of the notice of intention to impound. The notice shall be deemed served at the time of its delivery, or

(b) Mailing of the notice of intention to impound to the last known residence or business address of the registered owner or apparent owner, as applicable. The notice shall be deemed served as of 5:00 p.m. on the following business day after deposit of same with the United States mails. Saturday and Sunday shall not be business days for this purpose, or

(c) Posting the notice of intention to impound on or about the vehicle in a conspicuous place. The notice shall be deemed served twelve (12) hours after it is so posted.

The notice of intention to impound shall contain the following information:

- (1) a statement that the vehicle and its contents will be impounded;
- (2) the reason(s) for the impoundment (i.e., abandoned, unattended);
- (3) the date and time at which the vehicle becomes subject to actual impoundment;
- (4) an address and telephone number where information may be obtained regarding the vehicle upon its actual impoundment;
- (5) the manner in which the notice is served (i.e., physical delivery, mailing, posting);
- (6) the date and time of the physical delivery, mailing, or posting of the notice, as applicable;
- (7) the citing officer's name and badge number and date of his signing of the notice; and
- (8) any other information as may be from time to time required by the Police Commissioner.

Notice of intention to impound may be served only by an on-duty Tribal Police Officer. The officer making the service shall promptly prepare and execute an affidavit indicating the date, time, and place of execution of the notice of intention to impound and the date, time, and place, upon whom, and in what manner it was served, attaching a copy of the notice as an Exhibit to the affidavit. The affidavit and attached Exhibit shall be filed with the Tribal

IMPOUNDMENT OF VEHICLES

Court in any proceeding involving the impoundment or where deemed otherwise relevant.

Any notice served prior to actual impoundment pursuant to this Section shall not be deemed notification as may be required under any other Section of this Ordinance.

Section 5-108. When a vehicle has been impounded, the Tribal Police Department or other agency designated by the Tribal Council promptly shall:

(a) make reasonable effort to determine the names and addresses of all parties who own, are entitled to possession, or otherwise have an interest in that vehicle; and

(b) make reasonable effort to notify all such parties of the impoundment.

Section 5-109. Any parties having any such interest in an impounded vehicle shall have thirty (30) days after notification of the impoundment in which to claim said vehicle by payment of the actual costs of movement of it to the impoundment area and any storage fee charged by any private or government service used for storage, plus an impoundment fee of Three Dollars (\$3.00) for each day or fraction thereof said vehicle is impounded. However, if it is determined that an impounded vehicle has been stolen, the impoundment fee shall not be charged but only the actual costs of moving the vehicle to the impoundment area and of storing it there.

Section 5-110. An impounded vehicle shall become the property of the Colorado River Indian Tribes, to be retained or disposed of at the direction of the Tribal Police Department or other agency designated by the Tribal Council under either of the following circumstances:

(a) If it is not claimed on or before the thirtieth (30th) day following notification of any party determined to have an interest in the vehicle; or

(b) If it is not claimed on or before the sixtieth (60) day following impoundment, if, after reasonable effort, it cannot be determined who has an interest in the vehicle, or no party determined to have such an interest can be notified.

Section 5-111. Any question of entitlement of a party to claim an impounded vehicle shall be referred to the Tribal Court and the impounded vehicle shall not be disposed of until the matter is resolved by final court order.

Section 5-112. An impoundment of a vehicle commences when a member of the Tribal Police Department orders it, and it is completed upon the placing of the vehicle within the impoundment area. All impoundments once commenced under this Ordinance shall be completed and all fees and charges fully paid before the vehicle is released to any party with an interest therein.

Section 5-113. Nothing herein shall affect or apply to the seizure and forfeiture of a vehicle pursuant to Section 354, Chapter F, Article III, of the Law and Order Code.

Section 5-114. The driver, operator or attendant of a vehicle impounded under Section 5-103(b) hereof shall have the right and opportunity to remove the contents of the vehicle upon commencement of the impoundment. The contents of a vehicle impounded under Section 5-102 or Section 5-103(a) or Section 5-104 hereof shall be impounded and disposed of in the same manner as the vehicle, except as otherwise may be required or authorized for prosecution of violation of law. A notification of impoundment or intent to impound a vehicle shall be deemed to be a notification of impoundment or intent to impound the contents of the vehicle as well.

Section 5-115. The Colorado River Indian Tribes and its agencies and representatives shall not be responsible or liable for any loss of or any damages resulting from the actual or intended impoundment of a vehicle and its contents.

ooo